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**ATTORNEYS FOR PLAINTIFF
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,	CR 22-35-GF-BMM
Plaintiff,	
vs.	OFFER OF PROOF
TRACIA FRIEDE GARDIPEE,	
Defendant.	

THE CHARGE

The defendant, Tricia Friede Gardipee, is charged in count II of the indictment with assault resulting in serious bodily injury in violation of 18 U.S.C. §§ 1153(a) and 113(a)(6).

PLEA AGREEMENT

There is a written plea agreement in this case. The United States did present any and all formal plea offers to the defendant in writing. *See Missouri v. Frye*, 132 S. Ct. 1399 (2012). This was the only plea agreement offered. It calls for a guilty plea to count II of the indictment. At the time of sentencing, if the Court accepts the plea agreement, the United States will move to dismiss counts I and III of the indictment.

PENALTIES

The charge in count II of the indictment subjects the defendant to a maximum penalty of ten years imprisonment, a \$250,000 fine, three years of supervised release, and a \$100 special assessment.

ELEMENTS

In order for the defendant to be found guilty of the charge in count II of the indictment, the United States must prove each of the following elements beyond a reasonable doubt:

- First, the defendant is an Indian person;
- Second, the crime occurred in Indian Country;
- Third, the defendant intentionally assaulted Jane Doe; and
- Fourth, as a result, Jane Doe suffered serious bodily injury.

“Serious bodily injury” means bodily injury that involves: (1) a substantial risk of death; (2) extreme physical pain; (3) protracted and obvious disfigurement; or (4) protracted loss or impairment of the function of a body part, organ, or mental faculty.

ANTICIPATED EVIDENCE

If called upon to prove this case at trial, and to provide a factual basis for the defendant’s plea, the United States would present, by way of the testimony of law enforcement officers, lay witnesses, and physical evidence, the following:

1. On August 13, 2021, Tricia Friede Gardipee shot Jane Doe in the back of the head with a .22 over a \$100 drug deal on the Rocky Boy’s Indian Reservation.
2. Around 11:30 a.m. on August 13, 2021, Rocky Boy’s Police Department officers received a call about a shooting on the reservation. The officers responded to the scene at a residence within Box Elder, Montana. Multiple community members were outside when officers arrived and the victim, Jane Doe, had already been taken to the Rocky Boy’ Clinic to be treated for her injuries.
3. According to Jane Doe, the defendant confronted Doe and some of her friends at a residence in Havre on the morning of August 13, 2021. During the confrontation, Doe picked up a brick and said she didn’t

want any problems. This was because another woman ripped off the defendant by selling her anxiety medications instead of fentanyl and the defendant was trying to get her money back.

4. Later, Doe drove to the residence in Box Elder with three friends. As they pulled into the driveway, the defendant, along with her child and two friends, pulled in behind them – blocking them in with the defendant’s car. Doe jumped into the driver’s seat of her car looking for something to defend herself with, but she could not find anything. The defendant and her son walked up to Doe’s window, both armed, and the defendant’s son said, “You’re going to die bitch.” The defendant did not say anything to Doe but shot her in the back of the head.
5. Doe was bleeding profusely from her face and Doe ran from the defendant into the residence where Doe tried to stop the bleeding. Doe was taken to the Rocky Boy’s Clinic before being transferred to the Northern Montana Hospital for treatment. The bullet passed threw Doe’s head and face in a way that avoided death or more significant injuries. Doe experienced extreme pain, received pain medication, and has permanent scarring from the shooting.

6. The defendant was interviewed by FBI and tribal officers after her arrest. The defendant told law enforcement that in the morning she and two friends went to the Atrium Mall parking lot to buy some drugs from someone that her friend knew. The defendant gave her friends \$100 for two M30 pills (OxyContin). Her friends walked to the vehicle they were meeting in the parking lot to buy the pills. One of them ran back to the defendant's car and said the people took the money without providing the drugs.
7. The defendant and her two friends then drove around Havre looking for the people that stole their money. The defendant said that they found them at a Havre residence. The defendant and her friends asked if they could get their money back but there were approximately ten people outside the residence who said they would fight the three of them. The people at the residence then started throwing bricks at them, hitting the defendant's car with at least one brick. The three left and returned to the Rocky Boy's Indian Reservation.
8. Sometime later, her friend arrived at the defendant's house and told her that he saw the people that stole her money at a residence on the reservation. Shortly after that, those people dove in front of the defendant's house and screamed stuff out their window at her. The

defendant, her two friends, and her son loaded into the defendant's car and pursued that vehicle.

9. They caught up to the vehicle at a residence and the defendant and her three passengers got out of her car. Several people were on the porch of the residence and Doe was standing outside of the driver's door of the vehicle they had just pursued. Doe had a brick in her hand and was threatening to hit them. The defendant told law enforcement that she ran and told one of her friends to "bring the gun" because there were too many of them and she wanted to be able to use it as a club.
10. The defendant said that she grabbed the gun from her friend. The defendant claimed that she did not see anyone in Doe's vehicle at that point and the gun just "went off" in her hands and shattered the back of the driver's side window. She said her finger was on the trigger and she did not know the gun was loaded. The defendant said that people from the residence started coming at her after the shot and so she started using the gun as a bat to defend herself. The defendant said she rolled around on the ground with a woman and man, fighting over the gun. The defendant said her son came over and was able to grab the gun and then they all retreated to her car and left the scene.

11. The defendant told law enforcement that after the shooting she told her son to drive her to a location where she hid the gun inside a tree. Later, the defendant took RBPD to the tree and the gun was recovered.

Respectfully submitted this 5th day of August 2022.

JESSE A. LASLOVICH
United States Attorney

/s/ Paulette L. Stewart
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Assistant U.S. Attorney